

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

109 FEB 17 A.D. 2004
Case No. _____

PETITIONER

JOHN EVANS, Prisoner Number W 61607

V.

RESPONDENT,

MICHAEL T. MALONEY, Commissioner Massachusetts Department of Correction, et al

APPLICATION TO PROCEED *IN FORMA PAUPERIS* AND AFFIDAVIT

John Evans, upon oath, deposes as follows:

1. My name is John Evans, and I am the petitioner in the above-entitled case.
2. In support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty, I am unable to pay the costs of this case or give security therefor; and I believe that I am entitled to redress.
3. I further swear that I have been continuously incarcerated in penal institutions in Massachusetts since my arrest in January 1995; that I am currently incarcerated in the Massachusetts Correctional Institution-Shirley-Medium, in Shirley, Massachusetts; that I have since that arrest been declared indigent in the Massachusetts court proceedings, and that I have been represented by counsel assigned to me by the Commonwealth of Massachusetts public defender agency, the Committee for Public Counsel Services.

I further swear that the responses that I have made to the questions and instructions below relating to my ability to pay the cost of this proceeding are true.

4. Are you presently employed? Yes _____ No No
a. If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer.

b. If the answer is no, state the date of your last employment and the amount of salary or wages per month which you received. *January 1995; approx. \$2300.00 per month.*
5. Have you received within the past twelve months any income from a business, profession, or other form of self-employment, or in the form of rent payments, interest, dividends, or other sources?
Yes _____ No No
a. If the answer is yes, describe each source of income and state the amount received from each during the past twelve months.
6. Do you own any cash or have a checking or savings account?
Yes _____ No No
If the answer is yes, state the total value of the items owned.
7. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?
Yes _____ No No *Se*

- a. If the answer is yes, describe the property and state its approximate value.
8. List the persons who are dependent upon you for support and state your relationship to those persons. NONE *je*

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on January 13, 2004 *je*



John Evans

Massachusetts Correctional Institution, Shirley-Medium
P.O Box 1218
Shirley, MA 04164

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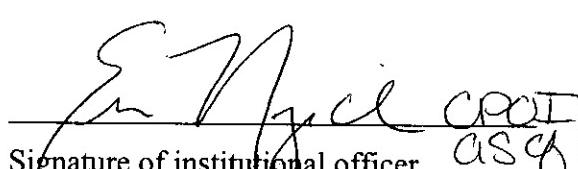
v.

RESPONDENT,

MICHAEL T. MALONEY, Commissioner Massachusetts Department of Correction, et al

CERTIFICATE OF INSTITUTIONAL OFFICER REGARDING PETITIONER'S
APPLICATION TO PROCEED *IN FORMA PAUPERIS*

I hereby certify that the petitioner, John Evans, has the sum of \$ 80.65 on account to his credit at the Massachusetts Correctional Institution, Shirley-Medium, in Shirley, Massachusetts where he is confined. I further certify that petitioner likewise has the following securities to his credit according to the records of said Massachusetts Correctional Institution, Shirley-Medium:


Signature of institutional officer, Michael Crotty ASG 1/22/04
Massachusetts Correctional Institution, Shirley-Medium